

FILED

APR 13 2006
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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

SUSAN MCKINNEY WEIGERT,

Plaintiff,

v.

NEWLY WEDS FOODS, INC., a
Delaware Corporation,

Defendant.

06CV2082

JUDGE SHADUR
MAGISTRATE COLE

Magistrate Judge

COMPLAINT PURSUANT TO TITLE VII OF THE CIVIL RIGHTS ACT

Plaintiff, Susan McKinney Weigert (WEIGERT), by her attorney, Glenn R. Gaffney, of Gaffney & Gaffney, for her complaint pursuant to Title VII of the Civil Rights Act of 1964 against Newly Weds Foods, Inc. (NEWLY WEDS), states:

1. This cause of action is brought pursuant to Title VII of the Civil Rights Act of 1964. 42 U.S.C. § 2000 e, *et seq.* Jurisdiction is provided for in a suit by an employee against an employer pursuant to 42 U.S.C. § 2000 e and the Civil Rights Act of 1991, 29 U.S.C. § 1981(a), *et seq.*

2. NEWLY WEDS is a Delaware corporation registered to do business in the State of Illinois and doing business in Chicago, Illinois.

3. WEIGERT was employed during 2003 with Heller Seasonings which was acquired by NEWLY WEDS during 2003.

4. WEIGERT is currently employed by NEWLY WEDS with the title of "Senior Food Scientist".

5. WEIGERT was and is an employee of NEWLY WEDS as defined by 42 U.S.C. § 2000 e – 5(b) and is a "person aggrieved" pursuant to 42 U.S.C. § 2000 e – 5(f)(1).

6. WEIGERT'S gender is female.

7. NEWLY WEDS was and is the "employer" of WEIGERT as defined by 42 U.S.C. § 2000 e (b).

8. During WEIGERT'S tenure of employment at NEWLY WEDS, she was subjected to acts of sexual harassment which created a hostile working environment.

9. WEIGERT notified management and the human resources department at NEWLY WEDS that she was subjected to multiple acts of sexual harassment which created a hostile work environment.

10. WEIGERT reasonably and in good faith opposed unlawful sexual harassment at NEWLY WEDS.

11. After WEIGERT notified members of management and the human resources department at NEWLY WEDS that she was subject to acts of sexual harassment which created a hostile work environment and thereby opposed unlawful sexual harassment, additional acts of sexual harassment occurred and WEIGERT was subjected to unlawful acts of retaliation because WEIGERT opposed unlawful sexual harassment in violation of Section 704(a) of Title VII, 42 USC § 2000(c)-2(a).

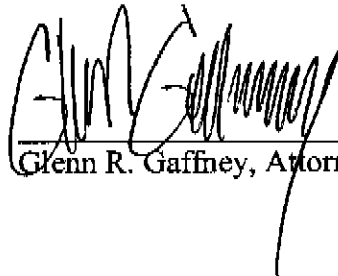
12. As a direct and proximate result of unlawful sexual harassment and unlawful retaliation in violation of Title VII of the Civil Rights Act of 1964, WEIGERT has sustained economic loss, consequential damages, emotional distress, pain, suffering and a loss of enjoyment in life.

13. On or about October 12, 2005, WEIGERT filed a Charge of Discrimination with the EEOC (EEOC Charge #210-2006-00514). A copy of said charge is attached hereto as Exhibit A and incorporated herein.

14. On January 18, 2006, the EEOC issued a Notice of Right to Sue pertaining to WEIGERT'S EEOC Charge #210-2006-00514. A copy of said Notice of Right to Sue is attached hereto as Exhibit B and incorporated herein.

15. NEWLY WEDS has acted with malice or with reckless indifference to WEIGERT'S federally protected rights to be free from sexual harassment and retaliation in employment in violation of Title VII of the Civil Rights Act of 1964. As a result thereof, WEIGERT seeks punitive damages in addition to compensatory damages and other make whole relief pursuant to 42 U.S.C. § 1981 A(b)(1).

WHEREFORE, WEIGERT seeks judgment against NEWLY WEDS for all legal and equitable relief available pursuant to Title VII of the Civil Rights Act of 1964 and the Civil Rights Act of 1991, 42 U.S.C. § 1981 (a), *et. seq.*, plus punitive damages, attorney's fees, litigation expenses and costs of suit.


Glenn R. Gaffney, Attorney for Plaintiff

JURY DEMAND

Plaintiff demands trial by jury pursuant to the Civil Rights Act of 1991, 42 U.S.C.

§ 1981 a(c)(1).



Glenn R. Gaffney, Attorney for Plaintiff

Glenn R. Gaffney
Gaffney & Gaffney
1771 Bloomingdale Road
Glendale Heights, IL 60139
(630) 462-1200
Attorney No. 6180598

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974: See Privacy act statement before completing this form.

AGENCY

☒ IDHR

☒ EEOC

CHARGE NUMBER

210-2006-00514

Illinois Department of Human Rights and EEOC

NAME (Indicate Mr., Mr., Mrs.)

Susan McKinney

HOME TELEPHONE (include area code)

STREET ADDRESS

1038 Wigtown Court

CITY, STATE AND ZIP CODE

Wheaton, IL 60187

DATE OF BIRTH

2/14/61

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (IF MORE THAN ONE, LIST BELOW)

NAME

Newly Weds Foods, Inc.

NUMBER OF EMPLOYEES, MEMBERS 15+

TELEPHONE (include area code)

(800) 323-2726

STREET ADDRESS

6363 W. 73rd Street

CITY, STATE AND ZIP CODE

Bedford Park, IL 60638

COUNTY

Cook

NAME

TELEPHONE (include area code)

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

CAUSE OF DISCRIMINATION BASED ON:

Sexual Harassment

☐

Race

☐

Color

☐

Age

☐

Religion

☒

Other

☒

Retaliation

☒

Sex

☐ Disability

☐

National Origin

DATE OF DISCRIMINATION

EARLIEST (ADEA/EPA) LATEST (ALL)

2003

10/11/05

☒ CONTINUING ACTION

THE PARTICULARS ARE (if additional space is needed attach extra sheet(s))

SEE EXHIBIT A. ATTACHED

☒ I also want this charge filed with the EEOC. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the foregoing is true and correct

Official Seal

Justin R Gaffney

Notary Public State of Illinois

My Commission Expires 08/17/08

Notary Public Seal

NOTARY (when necessary for State and Local Requirements)

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief

SIGNATURE OF COMPLAINANT

DATE

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE

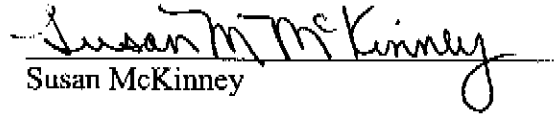
(Day, month, year)

EXHIBIT

A.

EXHIBIT A.

- I. I have been an employee since May, 2003 of Respondent and my position is "Senior Food Scientist". Since the fall of 2003, I have been subjected to various acts of sexual harassment committed by numerous individuals including, but not limited to, Larry Flight, Sales Director. On multiple occasions I have complained to the Human Resources Department about acts of sexual harassment. Acts of sexual harassment continued after I opposed unlawful sexual harassment.
- II. After I reasonably and in good faith opposed unlawful sexual harassment, I have been subjected to various acts of retaliation. Respondent's acts of retaliation have impacted me emotionally and have caused economic harm. Additionally, as a result of the acts of sexual harassment and acts of retaliation, I have suffered severe emotional distress and I am currently on leave of absence at the direction of my physician.


Susan McKinney

SUBSCRIBED and SWORN to before

me this 12th day of October, 2005.


Notary Public



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: CERTIFIED MAIL NO: 7099-3400-0014-4045-4873 CP ATTY.

From: Chicago District Office - 440
500 West Madison St
Suite 2800
Chicago, IL 60661Susan McKinney
1038 Wigtown Ct.
Wheaton, IL 60187On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR § 1601.7(a))

Charge No.

EEOC Representative

Telephone No.

210-2006-00514

Tyrone Irvin,
Investigator

(312) 886-9121

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964 and/or the Americans with Disabilities Act (ADA): This is your Notice of Right to Sue, issued under Title VII and/or the ADA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII or the ADA must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)



More than 180 days have passed since the filing of this charge.



Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of the charge.



The EEOC is terminating its processing of this charge.



The EEOC will continue to process this charge.

Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, the paragraph marked below applies to your case:

The EEOC is closing your case. Therefore, your lawsuit under the ADEA must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice. Otherwise, your right to sue based on the above-numbered charge will be lost.

The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of your charge, you may file suit in federal or state court under the ADEA at this time.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

If you file suit based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission


John P. Rowe,
District Director

1/18/06

(Date Mailed)

Enclosure(s)

cc: NEWLY WEDS FOODS, INC.

EXHIBIT

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B.